

TITLE 12
DISCRIMINATION AND HOUSING

CHAPTER 1
DISCRIMINATION AND HOUSING

12-1-1: DEFINITIONS:

The following words shall have the meanings ascribed to them for the purpose of this chapter:

AGE: The chronological age of a person who is forty (40) but not yet seventy (70) years old.

HANDICAP: A determinable physical or mental characteristic of a person, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder.

HOUSING ACCOMMODATION: Includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

MARITAL STATUS: The legal status of being married, single, separated, divorced or widowed.

NATIONAL ORIGIN: The place in which a person or one of his or her ancestors was born.

OPERATOR: Any owner, lessee, proprietor, manager, superintendent, agent, or occupant of a place of public accommodation or an employee of any such person or persons.

PERSON: Includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

PLACE OF PUBLIC ACCOMMODATION: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public. By way of example, but not of limitation, "place of public accommodation" includes facilities of the following types: inns, restaurants, eating houses, hotels, taverns, barber shops, department stores, theatres, skating rinks, concerts, elevators, and public conveyances on land, water, or air, public swimming pools and other places of public accommodation and amusement.

PUBLIC OFFICIAL: Any officer or employee of the State or any agency thereof, including State political subdivisions, Municipal corporations, park districts, forest preserve districts, educational institutions and schools.

REAL ESTATE BROKER OR SALESMAN: A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these.

REAL ESTATE TRANSACTION: Includes the sale, exchange, rental or lease of real property.

REAL PROPERTY: Includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, or any interest therein.

RELIGION: Any belief protected by the free exercise clause of the First Amendment to the United States Constitution.

SEX: The status of being male or female.

UNFAVORABLE MILITARY DISCHARGE: Includes discharges from the Armed Forces of the United States, their reserve components or any national guard or naval militia which are classified as RE3 or the equivalent thereof, but does not include those characterized as RE4 or dishonorable.

UNLAWFUL DISCRIMINATION: Discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap or unfavorable discharge from military service as those terms are defined in this Section.

12-1-2: REAL ESTATE TRANSACTIONS:

A. Violations: It is a violation for an owner or other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination, to:

1. Refuse to engage in a real estate transaction with a person;
2. Alter terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
3. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
4. Refuse to negotiate for a real estate transaction with a person;

5. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property;

6. Print, circulate, post, mail, publish or cause to be so published a written or oral statement, advertisement or sign, or to use a form of application for a real estate transaction or to make a record or inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicates, directly or indirectly, an intent to engage in unlawful discrimination;

7. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination in a real estate transaction is intended.

B. Exemptions: Nothing contained in subsection (A) hereof shall prohibit:

1. Any sale of any single-family home by its owner so long as the following criteria are met:

a. The owner does not own or have a beneficial interest in more than three (3) single-family homes at the time of the sale;

b. The owner or a member of his or her family was the last current resident of the home;

c. The home is sold without the use in any manner of the sale or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman;

d. The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection 12-1-2(A)(6).

2. Rental of a housing accommodation in a building which contains housing accommodations for not more than five (5) families living independently of each other, if the lessor or a member of his or her family resides in one of the housing accommodations.

3. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve (12) months, if he or she or a member of his or her family intends to return to reside therein;

4. Restricting rental or sale of a housing accommodation to a person of a certain age group when such housing accommodation is authorized, approved, financed or subsidized in whole or in part, for the benefit of that age group, by a unit of State, local or Federal government.

5. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or natural origin.

6. Restricting the rental of rooms in a housing accommodation to persons of one sex.

12-1-3: BLOCKBUSTING:

It is a violation for any person to:

- A. Solicit for sale, lease, listing or purchase any residential real estate within this Village, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, marital status or handicap.
- B. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this Village to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, marital status or handicap of residents in the vicinity of the property involved.
- C. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this Village to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any persons of certain national origin, ancestry, age, sex, marital status or handicap.

12-1-4: PUBLIC ACCOMMODATIONS:

A. Violations: It is a violation for any person on the basis of unlawful discrimination to:

- 1. Deny or refuse to another the full and equal enjoyment of the facilities and services of any public place of accommodation;
- 2. Directly or indirectly, as the operator of a place of public accommodation, publish, circulate, display or mail any written communication, except a private communication sent in response to a specific inquiry, which the operator knows is to the effect that any of the facilities of the place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable because of unlawful discrimination;

3. Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the officials's office or services or of any property under the officials's care because of unlawful discrimination.

B. Exemptions: Nothing in this Section shall apply to:

1. A private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the establishment are made available to the customers or patrons of another establishment that is a place of public accommodation.
2. Any facility, as to discrimination based on sex, which is distinctly private in nature such as restrooms, shower rooms, bathhouses, health clubs and other similar facilities for which the Village, in its rules and regulations, may grant exemptions based on bona fide considerations of public policy.
3. Any facility, as to discrimination based on sex, which restricts the rental of rooms to individuals of one sex.
4. Facilities regulated under the facilities for the Handicapped Act, as amended, with respect to allegations of discrimination based upon handicap resulting from a denial of access due to the physical structure of a public accommodation.

12-1-5: PENALTY FOR VIOLATION:

Any person violating any provision of this Chapter shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each violation; and a violation shall be deemed committed for each day on which a violation occurs or continues. (Ord. 87-0-6, 4-23-87)